

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE,

Plaintiff

vs.

UNITED STATES OF AMERICA; and,
UNITED STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES,

Defendants

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Filed via ECF

COMPLAINT

1. This is an action to enforce the Freedom of Information Act (hereinafter FOIA), 5 U.S.C. § 522.

2. Plaintiff is the COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE.

3. Defendants are the UNITED STATES OF AMERICA and its agency the UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (hereinafter both HHS).

4. This Court has jurisdiction under 28 U.S.C. § 1331 (Federal Question Jurisdiction).

5. On April 9, 2007, Plaintiff submitted a request for records under the Freedom on Information Act. *See* Exhibit A, attached. HHS acknowledged receipt of that request but has taken no further action.

WHEREFORE, the COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE prays that this Honorable Court order Defendants to comply with the

requirements of the FOIA, release all documents responsive to the request, and award such attorneys fees, costs, and other relief that may be appropriate.

Respectfully submitted,

s/ Timothy J. Lyon
Timothy J. Lyon
Assistant Counsel
PA ID # 200439

Date:
Office of General Counsel
Department of Public Welfare
303 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
(412) 565-5366



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE
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April 9, 2007

HHS Freedom of Information Officer
Room 645F, HHH Bldg.
Department of Health and Human Services
Independence Ave SW
Washington D.C. 20201

Re: Freedom of Information Act (FOIA) Request:
OIG Pennsylvania Family Planning Audit Workpapers

Dear Sir or Madam:

This is a request for documents under the Freedom of Information Act. The requested records are:

All audit workpapers for audit number A-03-03-00214 relating to a "Review of Family Planning Service Costs Claimed by Pennsylvania's Medicaid Managed Care Program."

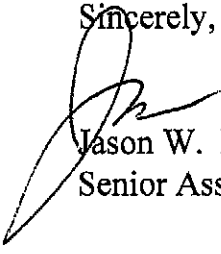
The Department of Public Welfare will pay a reasonable fee for the search and reproduction of the requested documents. However, waiver of fees is requested because this information is requested for non-commercial purposes and disclosure is in the public interest. A paper copy of all electronic documents is requested.



FOIA Officer

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Sincerely,



Jason W. Manne
Senior Assistant Counsel